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JUL 20 2007



## FAX

To: MAIL STOP PCT - US PATENT AND TRADEMARK OFFICE  
Fax: (571) 273-8300 Number of Pages: 9 (including this cover)  
Date: 20 July 2007  
From: William F. Gray  
Fax: (203) 812-6459 Phone: (203) 812-2712  
E-mail: william.gray.b@bayer.com

Re: US Application Serial No.: 10/590,786  
Filing Date: 25 August 2006  
Title: Heterocyclic Derivatives  
Attorney Docket No.: BHC 041037  
Art Unit: NA  
Examiner: NA

**Message:**

Attached are the following documents in connection with prosecution of this application:

- Response to Notification of Missing Requirements Under 35 U.S.C. 371, including a petition for a one-month extension of time
- Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
- Declaration of the inventors

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL TO 400 MORGAN LANE, WEST HAVEN CONNECTICUT 06516. THANK YOU.

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Attorney Docket No. BHC 041037

**JUL 20 2007 PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

National Stage in the U.S. of

International Application No: PCT/EP2005/001487

International Filing Date: 02/15/2005

U.S. Application No.: 10/590,786

First Named Inventor: Heike Gielen-Hartwig

Title: Heterocyclic Derivatives

**CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any papers referred to in this certificate as being attached, are being facsimile transmitted to the United States Patent and Trademark Office (phone number 571-273-8300) on the date shown below.

Date: 20 July 2007

*William F. Gray*  
\_\_\_\_\_  
William F. Gray

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 04/20/2007. A copy of Form PCT/DO/EO/905 is enclosed.

**DECLARATION OR OATH**

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

**COMPLETION FEES**

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e))  
\$130.00.

07/24/2007 MKAYPAGH 00000074 133372 10590786

01 FC:1617 130.00 DA

07/24/2007 MKAYPAGH 00000074 133372 10590786

02 FC:1251 120.00 DA

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EXTENSION OF TIME

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. 1.17(a)(4), for 1 month.

Fee                    \$120

If an additional extension of time is required, please consider this a petition therefor.

TOTAL FEE DUE

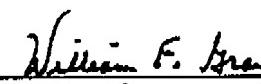
The total fee due is:

Completion fees	\$130.00
Extension fee (if any)	\$120.00
Total Fee Due	\$250.00

METHOD OF PAYMENT

The Commissioner is hereby authorized to charge Deposit Account No. 13-3372 in the amount of \$250.00 for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,

  
\_\_\_\_\_  
William F. Gray  
Attorney for Applicant(s)  
Bayer Pharmaceuticals Corporation  
400 Morgan Lane  
West Haven, CT 06516-4175

Date: 20 July 2007  
Registration No.: 31018  
Phone: (203) 812-2712

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**UNITED STATES PATENT AND TRADEMARK OFFICE****JUL 20 2007**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,786	Heike Gielen-Hartwig	BHC 041037
INTERNATIONAL APPLICATION NO.		
PCT/EP05/01487		
I.A. FILING DATE		PRIORITY DATE
02/15/2005		02/26/2004
<b>CONFIRMATION NO. 1365</b> <b>371 FORMALITIES LETTER</b>  *OC000000023466658*		

Date Mailed: 04/20/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/25/2006
- Copy of the International Search Report filed on 08/25/2006
- Information Disclosure Statements filed on 08/25/2006
- Request for Immediate Examination filed on 08/25/2006
- U.S. Basic National Fees filed on 08/25/2006
- Priority Documents filed on 08/25/2006
- Specification filed on 08/25/2006
- Claims filed on 08/25/2006
- Abstracts filed on 08/25/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$510 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$640 for a Large Entity:

**JUL 20 2007**

- \$130 Surcharge.
- Total additional claim fee(s) for this application is \$ 510
  - \$150 for 3 total claims over 20.
  - \$360 for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

PATRICIA A BOOKER

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Telephone: (703) 308-9140 EXT 204

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,786	PCT/EP05/01487	BHC 041037

FORM PCT/DO/EO/905 (371 Formalities Notice)